REMARKS

Reconsideration of the subject application as currently amended is respectfully requested.

In the Non-final Office Action dated February 22, 2008, the Examiner rejects pending claims 1-14. Claims 1-14 are currently pending and for at least the reasons stated below, the claims are allowable in view of the prior art of record.

Briefly, the subject application pertains to systems and methods for monitoring data exchange between a plurality of application systems. Specifically, in one embodiment of the subject application, the method comprises transmitting a plurality of data packets from a first application system to a second application system. Once the data packets are transmitted from the first application system, a dispatch control message is transmitted from the first application system to a separate monitoring unit. Upon receipt of the data packets by the second application system, a reception control message is created for outputting a monitoring message from the monitoring unit. The monitoring unit contains information as to whether the data packet was received by the second application system successfully within a predetermined transaction time.

Claim Objection

The Examiner objects to some of the claims 1-9 for containing a typographical error. Claims 2-9 have been amended to replace the word "characterized" with "characterized" to overcome the objection.

Additionally, the Examiner objects to claim 1 as failing to provide proper antecedent basis for the limitation "the monitoring unit." Applicants respectfully traverse and submit that claim 1, lines 4 as filed recite "a separate monitoring unit."

Thus, it is respectfully submitted that the objections of claim 1-9 should be withdrawn in view of the reasons presented above.

Rejection of claims under 35 U.S.C. §101

The Examiner rejects claim 14 as being directed towards non-statutory subject matter because claim 14 recites a computer program product that encompasses mere software, per se. Claim 14 has been amended to recite "A computer program stored in a computer readable medium that is executable by a computer processor to perform..." It is respectfully submitted that claim 14 now falls within one of the statutory category of a process, machine, manufacturer, or composition of matter under 35 U.S.C. §101. Reconsideration of claim 14 as amended is respectfully requested.

Rejection of claims under 35 U.S.C. §102(b)

Claims 1, 2, 7-1, 13 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,725,255 (hereinafter "Hass"). Applicants respectfully traverse and submit that the rejection is improper because the Hass reference fails anticipate the claimed elements of pending claims 1, 2, 7-1, 13 and 14.

Briefly, the Hass reference pertains to a method for notifying a sender regarding the quality of data transaction and the interaction with data transmitted to a recipient. The method begins by a server providing data transmission to a recipient client. Once the recipient client successfully receives the transmitted data, a successful transmission of the data is reported to the server. On the other hand, if the data transmission is not successfully received by the recipient client, a notification is sent to the server that the data transmission was unsuccessful. In addition to reporting the receipt of data transmission from a recipient client, a determination of the level of interaction with the transmitted data by the recipient client is also reported to the server. If it is determined that the data transmission and the level of interaction is below a predetermined level, then the intended recipient may receive the data transmission through different communication means.

Independent claim 1 recites, *inter alia*, "...transmitting a despatch control message from a first application system to a separate monitoring unit after despatch of a data packet from the first application system to a second application system..." Thus, claim 1 as filed transmits data packets from a first

application system to a second application system and further despatches a control message from the first application system to a **separate** monitoring unit.

However, the Examiner asserts that Hass discloses the above limitations. Specifically, on page 3 of the present Office Action, the Examiner points to Fig. 1 server (18) and server agent (22) as anticipating Applicants first application system and recipient client (14) and client agent (22) as anticipating Applicants separate monitoring unit. Additionally, the Examiner contends that once the client (14) successfully receives the data transmission from the server (18), the client (14) notifies the server agent (22) of the successful data transmission.

Applicants respectfully disagree. It is unclear as to whether the Examiner is referring to the recipient client (14) of Hass as anticipating Applicants monitoring unit or second application system. It is explicitly claimed in claim 1 that Applicants invention includes a first application system, a second application system and a **separate** monitoring unit. In ¶ 8, lines 4 of the present Office Action, the Examiner relies on recipient client (14) and client agent (20) as anticipating Applicants separate monitoring unit. Thereafter, the Examiner indicates that recipient client (14) and client agent (20) anticipates Applicants second application system. Thus, the has Examiner erroneously asserted that recipient client (14) anticipated a second application system or a separate monitoring unit as claimed in claim 1.

Therefore, it is respectfully submitted that Hass fails to disclose the above claimed feature of having a second application system and a separate monitoring unit.

Independent claim 10 is a system for carrying out the method of claim 1 and therefore recites similar variants thereof. Independent claim 13 has been amended to recite similar variants thereof.

In view of the arguments presented above, Applicants respectfully submit that the reference Hass fails to anticipate independent claims 1, 10 and 13. Claims 2-9, claims 11-12 and claim 14 depend on independent claims 1, 10 and 13 respectively and are therefore also allowable for at least the reasons discussed above.

To expedite prosecution of this application to allowance, the examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

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Date: May 21, 2008

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